

Serial No.: 10/750,120
Group Art Unit: 2616
Examiner: Nguyen, Phuongchau Ba

REMARKS

Claims 1-21 remain in this application.

Claim Rejections – 35 USC § 102 (a)


The Examiner rejected independent claims 1, 11-13 and 21 under 35 USC 102(a) as being anticipated by Fig. 1 of the instant patent application.

Applicant has amended independent claims 1, 11-13 and 21 to include the following limitations: wherein the gating includes applying a color to the PDUs of the flows based upon traffic parameters specific to those flows at a second hierarchical level. Support for these limitations can be found at least in paragraph 28 of the instant patent application and are not taught or suggested by Fig. 1.

As such, Applicant believes independent claims 1, 11-13 and 21, as well as the claims that depend from them, are in condition for allowance and respectfully request they be passed to allowance.

CONCLUSION

For the above reasons, the Applicant respectfully believes the claims are in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at (972) 849-1310

	Respectfully submitted,
	
Dated: 01/07/2008	Raffi Gostanian
	Reg. No. 42,595